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In the Supreme Court of the United States

OCTOBER TERM, 1924

SWISS NATIONAL INSURANCE COMPANY, A
corporation, appellant

v.

THOMAS W. MILLER, AS ALIEN PROPERTY
Custodian, and Frank White, as Treas-
urer of the United States, appellees

No. 132

BRIEF FOR APPELLEES

STATEMENT OF THE CASE

The appellant, a corporation organized under the laws of the Republic of Switzerland, authorized under its charter to do a reinsurance business in Switzerland and elsewhere, and doing business in Germany until January 1, 1922, filed its bill of complaint in the Supreme Court of the District of Columbia asking judgment against the Alien Property Custodian and the Treasurer of the United States for the return of certain property belonging to it seized November 18, 1918, under the Trading with the Enemy Act. Upon a motion to dismiss, judgment was for appellees. This judgment was affirmed by the Court of Appeals

of the District. The case is here on appeal from that court.

The property involved was seized as that of an enemy under the Act, the word "enemy" being defined by Section 2(a) as including "any corporation * * * incorporated within any country other than the United States and doing business within" (the) "territory of any nation with which the United States is at war." No question is raised as to the lawfulness of the seizure when made.

The two questions in the case are:

- (1) Did the appellant, by the ending of the war alone, cease to be an "enemy" within the meaning of the Act, and, if so, was it thereupon and upon its ceasing to do business in Germany entitled in equity to the return of its property?
- (2) If the appellant was not, without further legislation, entitled in equity to the return of its property upon the ending of the war and its ceasing to do business in Germany, then did it become entitled in equity to a return of its property by reason of the amendment to the Act approved June 5, 1920?

The questions are here stated and will be herein discussed in the reverse order from that in which they are considered in appellant's brief.

Appellees answer both questions in the negative.

ARGUMENT**I**

The appellant did not by the ending of the war alone cease to be an "enemy" within the meaning of the Act so as to be then entitled in equity to the return of its property.

One of the theories of the appellant's case is that with the ending of the war it ceased to be an enemy and that, the reason for the possession of its property having ceased, it is entitled to the return thereof even under the provisions of the original act as it was before the amendment of June 5, 1920.

The only provisions of the original act referring to the return of property taken over by the Alien Property Custodian are two, the first of which appellant mentions in his brief and in part relies on. These provisions are Sections 9 (being Section 9(a) of the Act as amended) and 12. So far as pertinent, they follow:

SECTION 9. Any person, not an enemy or ally of enemy, claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned or delivered, or paid to the alien property custodian hereunder * * * may file with the said custodian a notice of his claim under oath * * * if the claimant shall have filed the notice as above required * * * said claimant may, at any time before the expiration of six months after the end of the war, institute a suit in equity. * * *

SECTION 12. * * * After the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the alien property custodian * * * shall be settled as Congress shall direct: Provided, however, That on order * * * of the court, as set forth in Sections nine and ten hereof, the alien property custodian * * * shall forthwith convey, transfer, assign, and pay to the person * * * in whose behalf the court shall enter any final judgment or decree, any property of an enemy or ally of enemy held by said custodian. * * *

The argument of the appellant is that when the war ended appellant ceased to be an enemy, since, there being no war, there could be no enemies, and that, therefore, appellant was entitled under the provisions of original section 9 to the relief in equity there given to "any person not an enemy or ally of enemy."

The conclusive answer to this argument is that while it is true that, in a certain sense, appellant and all others who had been enemies, upon the termination of the war ceased to be enemies, they did not cease to be "enemies" within the meaning of this act, including section 9. For the purposes of the Act the term "enemy" is defined by the Act itself (section 2 thereof) as, among others, "any corporation * * * incorporated within any country other than the United States and doing business within" (the) "territory of any nation with which

the United States is at war." So the appellant, within the meaning of the Act, was an "enemy" when its property was seized and section 12, above quoted, makes it clear that its "enemy" status did not terminate *ipso facto* by the ending of the war. That section says that "after the end of the war any claim of any enemy or of an ally of enemy to any money or other property received and held by the Alien Property Custodian * * * shall be settled as Congress shall direct." In other words, an "enemy" within the meaning of the Act continues after the end of the war to be an "enemy" within the meaning of the Act and can only recover his property in the manner "Congress shall direct."

The heart of appellant's argument on this point is on page 47 of its brief. Because, says appellant, corporations of the character of appellant were, by the terms of the Act, enemies only if doing business within the territory of a "nation with which the United States is at war," therefore, the war having ended, the enemy status ceased. The finger of counsel is pointed to the words "*is at war*," and attention directed to the present tense of the verb there employed. Reference to section 2 of the Act, however, will disclose that exactly the same qualification is stated as to each and every class of enemies therein described. So that, if appellant's argument is sound, none remained "enemies," within the meaning of the Act, after the termination of the war. If it were not clear otherwise upon the face of the Act that Congress had no such intention, section 12 makes it perfectly

clear. Certainly nothing anywhere in the Act indicates that the termination of enemy character was to be at one time as to some "enemies" and at another time as to others.

The benefit of section 9 in its original form is on its face for "any person not an enemy," that is, not an "enemy" within the meaning of the Act, which excludes appellant, which is an "enemy" within the meaning of the Act. Obviously, this section was intended for the relief of those who, not being in truth "enemies" within the meaning of the Act, had their property seized unlawfully on the erroneous theory that they were "enemies." (*Central Trust Co. v. Garvan*, 254 U. S. 554, 567.)

The appellant did not by the ending of the war alone under the terms of the original act become entitled to the relief here sought.

Did the amendment entitle it to that relief?

II

The amendment of June 5, 1920, did not entitle appellant to maintain a suit in equity for the return of its property.

By the amendment of June 5, 1920, certain "enemies" within the meaning of the Act, were given the right to proceed in equity to recover property theretofore taken over by the Alien Property Custodian.

The only debatable question in the case is whether the appellant falls within the class of "enemies" to which this right was given. And that depends upon the meaning of subdivisions (b) and (c) of section 9,

as amended, of which so much as is here pertinent follows:

(b) In respect of all money or other property conveyed, transferred, assigned, or delivered or paid to the Alien Property Custodian or seized by him * * *, if the President shall determine that the owner thereof * * * was

(1) a citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city; or

* * * * *

(6) a partnership, association, or other unincorporated body of individuals outside the United States or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany, or Austria, or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property;

* * * * *

(c) Any person whose property the President is authorized to return under the provision of subsection (b) hereof * * * may institute suit in equity to recover such property * * *

If the appellant was, when its property was taken over by the Alien Property Custodian, a "citizen or subject" of a country other than Germany or Austria

or Hungary or Austria-Hungary within the meaning of the words "citizen or subject" as employed in subdivision (b) (1) of section 9, then it is entitled to recover in this proceeding unless it is excluded by subdivision (b) (6) of section 9 as a "corporation * * * (not) entirely owned * * * by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary." Of these questions then in their order.

We concede that the word "citizen" as used in a constitutional provision or a statute is often to be construed as including corporations as well as natural persons. More than that is not held in any of the cases cited in this connection in the brief of appellant. Doubtless it will be conceded, on the other hand, that the word "citizen" does not necessarily and always include corporations. (*Paul v. Virginia*, 8 Wall. 168; *Selover, Bates & Co. v. Walsch*, 226 U. S. 115; *Western Turf Association v. Greensburg*, 204 U. S. 359.) Whether it does in a particular case depends upon the general intent as that is gathered from the whole language of the Act in question. (*United States, etc., v. Northwestern Express, etc., Co.*, 164 U. S. 686, 689.) There is a presumption also that a word is not used in different senses in the same general connection. (36 Cyc. 1132; *Pitte v. Shipley*, 46 Cal. 154.)

In the single sentence constituting subdivision 9(b) the word "citizen" is used eight times. In clause (1), on which appellant relies, it is "citizen or subject," who is "at the time of the return of * * *

*property * * * a citizen or subject of any such nation * * *.*" The citizenship of a natural person may be in one nation at one time and in another at a later time. That is not true of a corporation. The qualification "*at the time of the return of the property*" applies only to a natural person. It indicates, not conclusively indeed, that the word "citizen" is here used only in that sense. Clauses (2) and (3) refer to a woman who was a "citizen or subject" of, etc., and to intermarriage by her with a "subject or citizen" of, etc. In these clauses obviously natural persons only are intended. In clause (4) reference is to a "citizen or subject" of Germany, etc., who was accredited to the United States as a diplomatic officer or as the wife or child of a diplomatic officer. Here also only natural persons are intended. In clause (5) the reference is to a "citizen or subject" who was transferred after arrest to the custody of the War Department, which could refer only to a natural person. And in clause (6) the reference is to "subjects or citizens" who own partnerships, associations, and corporations; that is, necessarily, natural persons. In other words, in every one of the repeated instances in these several clauses of this single sentence, including clause (1), the word "citizen" is used with other language, indicating that a natural person is intended. Granting this is not conclusively determinative, it is certainly persuasive of the conclusion that the word was not intended here to include corporations.

What makes it certain that corporations were not intended to be included in the word "citizen" as used in clause (1) is that "corporations" are specifically dealt with in clause (6), a later and equally ranking subdivision of subdivision 9.

Suppose in a single sentence it is provided that "a citizen or corporation of Switzerland" shall be entitled to recover property from the Alien Property Custodian. Would it be argued that "citizen" there includes corporations? No; the contrary is too apparent. *Yet that is exactly this case.* This is a single sentence reading (omitting intervening language in no way affecting the point made): "if the President shall determine that the owner thereof * * * was a citizen or subject of any nation * * * other than Germany * * * or a corporation incorporated within any country other than the United States and * * * entirely owned his subjects or citizens of nations * * * other than Germany * * * then the President * * * may order" the return of the property.

To say that "citizen" as used in clause (1) includes corporations of any nation other than Germany, etc., is not exactly to make clause (6), specifically dealing with "corporations," wholly inconsistent with clause (1), but *it is to make it inconsistent with clause (1) except as to a very narrow margin of thought* in clause (6). The eclipse is just short of total. The logic of the situation compels appellant to so concede. He admits that if he is right and there is no inconsistency, then clause (6), which on its face

applies to corporations "incorporated within *any* country *other than the United States*" must refer only to corporations incorporated in Germany or Austria or Hungary or Austria-Hungary, all the stock of which is owned by citizens not of those countries. In other words, in order to avoid an inconsistency which would destroy his case, counsel must and does excise from the comprehensive phrase "*any* country other than the United States" every particle of its natural meaning and leaves therein only a theoretical residuum of thought. Upon that his whole argument depends. Unless he is right in his contention that clause (6) was designed *solely* to add to other classes of "enemies," who might have property returned, a class made up of corporations incorporated in Germany (or the other enemy countries), not one share of whose stock was owned by any citizen of an enemy country (perhaps a theoretical but not an actual possibility), unless he is right in that contention, then one of two alternatives results: Either the word "citizen" as used in clause (1) does not include corporations, or clause (6) is inconsistent with clause (1). If the first alternative is right, that ends appellant's case. If the second alternative is right, that ends appellant's case, since, of the two clauses, if they are inconsistent, clause (6) governs.

That clause (6) can not have been intended to have the absurdly trifling meaning which appellant is driven to urge upon the court seems to us apparent and for the following reasons:

If Congress intended by clause (6) to refer only to corporations incorporated in Germany and the other enemy countries, it would certainly have been far simpler to so say, rather than to have used a phrase, "incorporated within any country other than the United States," which certainly on its face included far more than the alleged intent. Moreover, it is scarcely possible that there were any corporations of enemy countries not a single share of whose stock was owned in the enemy countries. So, on this theory, we have the absurdity of legislation for the exclusive benefit of corporations nonexisting. On the other hand there were, of course, many corporations of neutral countries whose property had been taken and none of whose stock was owned in enemy countries and which in justice were entitled to the return of such property.

The meaning urged by appellant makes clause (6) valueless. Its natural meaning gives it real significance.

There is no difficulty in giving clause (6) its natural meaning, unless it is a difficulty to say that the word "citizen" in clause (1) does not necessarily include corporations. There should be no difficulty there, since no court has ever held that the word "citizen" does necessarily and always include corporations. In each case it depends upon the context and general intent. Our choice then is the easy one of saying that "citizen" in clause (1) has its limited rather than its all-inclusive meaning or the very difficult one of

saying that Congress intended in clause (6) not only a meaning defying the words used but absurd and valueless besides.

But there is another reason for saying that the intent of clause (6) was to exclude corporations of "any country other than the United States," any of whose stock was owned by citizens of the enemy countries. Clause (6) has been given legislative construction, clearly indicating that such was the intent.

The Trading with the Enemy Act, as amended June 5, 1920, was again amended March 4, 1923. Clause (11) was then added to subdivision (b) of section 9. So far as pertinent it reads as follows:

(11) * * * (There may be ordered the return of the property of) a corporation, organized or incorporated within any country other than Germany, Austria, Hungary, or Austria-Hungary, and that the control of more than 50 per centum of the interests or voting power in any such * * * corporation, was at such time and at the time of the return of any money or other property vested in citizens or subjects of nations * * * other than Germany, Austria, Hungary or Austria-Hungary: *Provided, however,* That this subsection shall not affect any rights which any citizen or subject may have under paragraph (1) of this subsection.

Obviously, this new clause deals with the same subject matter as clause (6). It corrects therein what appellant complains of as an injustice (if clause

6 is construed according to its natural meaning), namely, the injustice of refusing to return the property of a corporation of a neutral country a *single* share of whose stock is owned in an enemy country. How does it correct that injustice? By limiting the prohibition theretofore existing to those corporations of neutral countries *at least 50 per centum* of whose stock is owned in enemy countries. That, however, is a recognition of the fact that clause (6) does forbid the return of property to a corporation of a neutral country any of whose stock is owned in an enemy country. It is a legislative construction of clause (6).

Moreover the new clause (11) amounts to a legislative construction of clause (1), demonstrating that the word "citizen" as used in clause (1) does not include corporations. Note the proviso at the end of clause (11). Clause (11) is not to affect any rights which any citizen may have under clause (1). But if "citizen" in clause (1) includes corporations of neutral countries, and if clause (11) is not to affect any right conferred by clause (1), then clause (11) is absolutely meaningless, for it purports to affect only corporations of neutral countries. The only escape from the dilemma is the sensible one of saying that "citizen" as used in clause (1) does not include corporations.

If the word "citizen," as used in clause (1) was not intended to include corporations then there is no inconsistency between clauses (1) and (6). But

if there is an inconsistency (on the theory that the word "citizen" as used in clause (1) does include corporations), then clause (6) governs. Two well established rules of statutory construction compel that result. They are, first, when inconsistent, a specific provision governs as against a general provision (*Townsend v. Little, et al.*, 109 U. S. 504, 512; 39 Cyc. 1130; *United States v. Jackson*, 143 Fed. 783, 787), and, second, when two provisions are inconsistent the last in order of arrangement will control (36 Cyc. 1132; *United States v. Jackson*, 143 Fed. 783, 787; *In re Richards*, 96 Fed. 935, 939).

III

CONCLUSION

The original Trading with the Enemy Act gave the appellant no right to recover his property. Appellant is not one of the "enemies" given the right to recover property by the Amendment of June 5, 1920. That amendment expressly excluded corporations of neutral countries, some of whose stock was owned by citizens of enemy countries. Appellant is such a corporation. It follows that the judgment below was right and should be affirmed here.

JAMES M. BECK,
Solicitor General.

MERRILL E. OTIS,
Special Assistant to the Attorney General.

APPENDIX A

Section 2 of the original Trading with the Enemy Act, defining who are "enemies" under the act:

SEC. 2. That the word "*enemy*," as used herein, *shall be deemed to mean*, for the purposes of such trading and of this Act—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation with which the United States is at war, or resident outside the United States and doing business within such territory, and *any corporation incorporated* within such territory of any nation with which the United States is at war or incorporated *within any country other than the United States and doing business within such territory*.

(b) The government of any nation with which the United States is at war, or any political or municipal subdivision thereof, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "*enemy*."

The words "*ally of enemy*," as used herein, shall be deemed to mean—

(a) Any individual, partnership, or other body of individuals, of any nationality, resident within the territory (including that occupied by the military and naval forces) of any nation which is an ally of a nation with which the United States is at war, or resident outside the United States and doing business within such territory, and any corporation incorporated within such territory of such ally nation, or incorporated within any country other than the United States and doing business within such territory.

(b) The government of any nation which is an ally of a nation with which the United States is at war, or any political or municipal subdivision of such ally nation, or any officer, official, agent, or agency thereof.

(c) Such other individuals, or body or class of individuals, as may be natives, citizens, or subjects of any nation which is an ally of a nation with which the United States is at war, other than citizens of the United States, wherever resident or wherever doing business, as the President, if he shall find the safety of the United States or the successful prosecution of the war shall so require, may, by proclamation, include within the term "ally of enemy."

The word "person," as used herein, shall be deemed to mean an individual, partnership, association, company, or other unincorporated body of individuals, or corporation or body politic.

The words "United States," as used herein, shall be deemed to mean all land and water, continental or insular, in any way within the jurisdiction of the United States or occupied by the military or naval forces thereof.

The words "the beginning of the war," as used herein, shall be deemed to mean midnight ending the day on which Congress has declared or shall declare war or the existence of a state of war.

The words "end of the war," as used herein, shall be deemed to mean the date of proclamation of exchange of ratifications of the treaty of peace, unless the President shall, by proclamation, declare a prior date, in which case the date so proclaimed shall be deemed to be the "end of the war" within the meaning of this Act.

The words "bank or banks," as used herein, shall be deemed to mean and include national banks, State banks, trust companies, or other banks or banking associations doing business under the laws of the United States, or of any State of the United States.

The words "to trade," as used herein, shall be deemed to mean—

(a) Pay, satisfy, compromise, or give security for the payment or satisfaction of any debt or obligation.

- (b) Draw, accept, pay, present for acceptance or payment, or indorse any negotiable instrument or chose in action.
- (c) Enter into, carry on, complete, or perform any contract, agreement, or obligation.
- (d) Buy or sell, loan or extend credit, trade in, deal with, exchange, transmit, transfer, assign, or otherwise dispose of, or receive any form of property.
- (e) To have any form of business or commercial communication or intercourse with.

APPENDIX B

Section 9 of the Trading with the Enemy Act, including the amendment of June 5, 1920, and including also the amendment of March 4, 1923. The amendment of March 4, 1923, added clauses (9), (10), and (11). The amendment of June 5, 1920, added all of subdivision (b) except clauses (9), (10), and (11).

SEC. 9. (a) That any person not an enemy or ally of enemy claiming any interest, right, or title in any money or other property which may have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States, or to whom any debt may be owing from an enemy or ally of enemy whose property or any part thereof shall have been conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the United States may file with the said custodian a notice of his claim under oath and in such form and containing such particulars as the said custodian shall require; and the President, if application is made therefor by the claimant, may order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Prop-

erty Custodian or by the Treasurer of the United States, or of the interest therein to which the President shall determine said claimant is entitled: *Provided*, That no such order by the President shall bar any person from the prosecution of any suit at law or in equity against the claimant to establish any right, title, or interest which he may have in such money or other property. If the President shall not so order within sixty days after the filing of such application or if the claimant shall have filed the notice as above required and shall have made no application to the President, said claimant may institute a suit in equity in the Supreme Court of the District of Columbia or in the district court of the United States for the district in which such claimant resides, or, if a corporation, where it has its principal place of business (to which suit the Alien Property Custodian or the Treasurer of the United States, as the case may be, shall be made a party defendant), to establish the interest, right, title, or debt so claimed, and if so established the court shall order the payment, conveyance, transfer, assignment, or delivery to said claimant of the money or other property so held by the Alien Property Custodian or by the Treasurer of the United States or the interest therein to which the court shall determine said claimant is entitled. If suit shall be so instituted, then such money or property shall be retained in the custody of the Alien Property Custodian, or in the Treasury of the United States, as provided in this Act, and until any final judgment or decree which shall be entered in favor of the claimant shall be fully satisfied by payment or conveyance, transfer, assignment, or delivery by the defendant, or by the Alien Property Custodian, or Treasurer of the United States on order of the court, or until final judgment or decree shall be entered against the claimant or suit otherwise terminated.

(b) In respect of all money or other property conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or seized by him hereunder and held by him or by the Treasurer of the

United States, if the President shall determine that the owner thereof at the time such money or other property was required to be so conveyed, transferred, assigned, delivered, or paid to the Alien Property Custodian or at the time when it was voluntarily delivered to him or was seized by him was—

(1) A citizen or subject of any nation or State or free city other than Germany or Austria or Hungary or Austria-Hungary, and is at the time of the return of such money or other property hereunder a citizen or subject of any such nation or State or free city; or

(2) A woman who, at the time of her marriage, was a subject or citizen of a nation which has remained neutral in the war, or of a nation which was associated with the United States in the prosecution of said war, and who, prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or

(3) A woman who at the time of her marriage was a citizen of the United States, and who prior to April 6, 1917, intermarried with a subject or citizen of Germany or Austria-Hungary, and that the money or other property concerned was not acquired by such woman, either directly or indirectly, from any subject or citizen of Germany or Austria-Hungary subsequent to January 1, 1917; or who was a daughter of a resident citizen of the United States and herself a resident or former resident thereof, or the minor daughter or daughters of such woman, she being deceased; or

(4) A citizen or subject of Germany or Austria or Hungary or Austria-Hungary and was at the time of the severance of diplomatic relations between the United States and such nations, respectively, accredited to the United States as a diplomatic or consular officer of any such nation, or the wife or minor child of such officer, and that the money or

other property concerned was within the territory of the United States by reason of the service of such officer in such capacity; or

(5) A citizen or subject of Germany or Austria-Hungary, who by virtue of the provisions of sections 4067, 4068, 4069, and 4070 of the Revised Statutes, and of the proclamations and regulations thereunder, was transferred, after arrest, into the custody of the War Department of the United States for detention during the war and is at the time of the return of his money or other property hereunder living within the United States; or

(6) A partnership, association, or other unincorporated body of individuals outside the United States, or a corporation incorporated within any country other than the United States, and was entirely owned at such time by subjects or citizens of nations, States, or free cities other than Germany or Austria or Hungary or Austria-Hungary and is so owned at the time of the return of its money or other property hereunder; or

(7) The Government of Bulgaria or Turkey, or any political or municipal subdivision thereof; or

(8) The Government of Germany or Austria or Hungary or Austria-Hungary, and that the money or other property concerned was the diplomatic or consular property of such Government; or

(9) An individual who was at such time a citizen or subject of Germany, Austria, Hungary, or Austria-Hungary, or who is not a citizen or subject of any nation, State, or free city, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of \$10,000, or although exceeding in value the sum of \$10,000 is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of \$10,000: *Provided*, That an individual shall not be entitled, under this paragraph, to the return of any money or other property owned by a partnership, association, unincorporated body of individuals, or corporation at the time it was con-

veyed, transferred, assigned, delivered, or paid to the Alien Property Custodian, or seized by him hereunder; or

(10) A partnership, association, other unincorporated body of individuals, or corporation, and that it is not otherwise entitled to the return of its money or other property, or any part thereof, under this section, and that such money or other property, or the proceeds thereof, if the same has been converted, does not exceed in value the sum of \$10,000, or although exceeding in value the sum of \$10,000, is nevertheless susceptible of division, and the part thereof to be returned hereunder does not exceed in value the sum of \$10,000: *Provided*, That no insurance partnership, association, or corporation, against which any claim or claims may be filed by any citizen of the United States with the Alien Property Custodian within sixty days after the time this paragraph takes effect, whether such claim appears to be barred by the statute of limitations or not, shall be entitled to avail itself of the provisions of this paragraph until such claim or claims are satisfied; or

(11) A partnership, association, or other unincorporated body of individuals, having its principal place of business within any country other than Germany, Austria, Hungary, or Austria-Hungary, or a corporation, organized or incorporated within any country other than Germany, Austria, Hungary, or Austria-Hungary, and that the control of, or more than 50 per centum of the interests or voting power in, any such partnership, association, other unincorporated body of individuals, or corporation, was at such time, and is at the time of the return of any money or other property, vested in citizens or subjects of nations, States, or free cities other than Germany, Austria, Hungary, or Austria-Hungary: *Provided, however*, That this subsection shall not affect any rights which any citizen or subject may have under paragraph (1) of this subsection—

* * * * *